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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके ।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW
(Legislative Department)

New Delhi, the 20th July, 1966/Asadha 29, 1888 (Saka)

The following President's Act is published for general information:—

THE KERALA BUILDINGS (LEASE AND RENT CONTROL) AMENDMENT ACT, 1966

No. 7 OF 1966

Enacted by the President in the Seventeenth Year of the Republic of India.

An Act to amend to Kerala Buildings (Lease & Rent Control) Act, 1965

In exercise of the powers conferred by section 3 of the Kerala State Legislature (Delegation of Powers) Act, 1965, the President is pleased to enact as follows:— 12 of 1965.

1. (*1*) This Act may be called the Kerala Buildings (Lease and Rent Control) Amendment Act, 1966. Short title and commencement

Amendment of section 2.

(2) Clause (*a*) of section 2 shall be deemed to have come into force on the 1st day of April, 1965, and the remaining provisions of this Act shall come into force at once.

President's Act 2 of 1965.

2. In section 2 of the Kerala Buildings (Lease and Rent Control) Act, 1965 (hereinafter referred to as the principal Act),—

(*a*) in clause (*1*),—

(*i*) in sub-clause (*b*), the words "or any fittings affixed" shall be omitted;

(*ii*) after sub-clause (*b*), the following sub-clause shall be inserted, namely:—

"(*c*) any fittings or machinery belonging to the landlord, affixed to or installed in such building or part of such building, and intended to be used by the tenant for or in connection with the purpose for which such building or part of such building is let or to be let,";

(*b*) for clause (*6*), the following clause shall be substituted, namely:—

'(*6*) "tenant" means any person by whom or on whose account rent is payable for a building and includes—

(*i*) the heir or heirs of a deceased tenant, and

(*ii*) a person continuing in possession after the termination of the tenancy in his favour,

but does not include a Kudikidappukaran as defined in the Kerala Land Reforms Act, 1963, or a person placed in occupation of a building by its tenant, or a person to whom the collection of rents or fees in a public market, cart-stand or slaughter-house or of rents for shops has been farmed out or leased by a Municipal Council, Municipal Corporation, Township Committee or Panchayat;'.

Kerala Act 1 of 1964.

Amendment of section 5.

3. In section 5 of the principal Act, in the proviso to sub-section (*2*),—

(*a*) in clause (*ii*), for the words "to which fittings have been affixed and such fittings have been excluded", the words "to which fittings have been affixed or in which machinery have been installed and such fittings or machinery have been excluded" shall be substituted:

(*b*) for the words "the fair rent fixed may in proper cases be lower than, but shall in no case exceed by more than fifteen per cent., the monthly rent on the basis of which the property

tax or house tax for the building has been fixed.", the following shall be substituted, namely:—

"the fair rent fixed may in proper cases be lower than, but shall in no case exceed by more than fifteen per cent., the monthly rent on the basis of which the property tax or house tax for the building, prevailing two years immediately before the date of the application, was fixed, or if the building was not assessed to property tax or house tax before the said period of two years, the monthly rent on the basis of which the property tax or house tax prevailing immediately before the date of the application was fixed.".

Amendment of section 11.

4. In section 11 of the principal Act,—

(*a*) for clause (*c*) of sub-section (2), the following clause shall be substituted, namely:—

"(*c*) The order of the Rent Control Court directing the tenant to put the landlord in possession of the building shall not be executed before the expiry of one month from the date of such order or such further period as the Rent Control Court may in its discretion allow; and if the tenant deposits the arrears of rent with interest and cost of proceedings within the said period of one month or such further period, as the case may be, it shall vacate that order.";

(*b*) in clause (*i*) of sub-section (4), the word "or" occurring at the end shall be omitted and after that clause, the following *Explanation* shall be inserted, namely:—

"*Explanation.*—Where on the partition of a joint family or of the rights of co-tenants, or on the dissolution of a firm, the right of the joint family or the co-tenants or the firm under a lease is vested in a member of the joint family, or a co-tenant, or a partner, as the case may be, whether by act of parties or otherwise, no transfer by the tenant of his right under the lease shall be deemed to have taken place within the meaning of this clause; or".

Amendment of section 13 and provision for pend-

5. (*1*) In section 13 of the principal Act,—

(*a*) for the words "Rent Control Court", wherever they occur, and for the word "Court" occurring in the *Explanation* to sub-section (3), the words "Accommodation Controller" shall be substituted;

(*b*) in sub-section (4), for the word "it", the word "he" shall be substituted;

ing proceedings.

(c) in sub-section (5), for the word "its", the word "his" shall be substituted.

(2) Any application under section 13 of the principal Act pending before the Rent Control Court immediately before the commencement of the Kerala Buildings (Lease and Rent Control) Amendment Act, 1966, shall stand transferred to the Accommodation Controller who may proceed to deal with it either afresh or from the stage at which it stands transferred and any order of the Rent Control Court under the said section 13 shall have effect not only as an order of that Court, but also as an order made by the Accommodation Controller.

Amendment of section 14.

6. In section 14 of the principal Act, after the words and figures "under section 11", the words and figures "or section 12" shall be inserted.

Insertion of new section 20A.

7. After section 20 of the principal Act, the following section shall be inserted, namely:—

Power to remand.

"20A. In disposing of an appeal or application for revision under this Act, the appellate authority or the revising authority, as the case may be, may remand the case for fresh disposal according to such directions as it may give.".

Amendment of section 26.

8. In section 26 of the principal Act, after the words "Municipal Council", in both the places where they occur, the words "or Township Committee" shall be inserted.

Amendment of Schedule.

9. In the Schedule to the principal Act, the following *Explanation* shall be added at the end, namely:—

"*Explanation.*—References in this Schedule to any Municipality, Corporation or Township shall be construed as references to the area for the time being within the jurisdiction of the Municipal Council, Municipal Corporation or Township Committee, as the case may be.".

Reopening of orders for eviction in certain cases.

10. Notwithstanding any decree or order of court, where, after the 3rd day of April, 1959, and before the 31st day of August, 1961, an order has been made by the Rent Control Court under sub-section (3) of section 12 of the Kerala Buildings (Lease and Rent Control) Act, 1959, directing the tenant to put the landlord in possession of a building on the ground that the tenant has failed to pay or deposit the arrears of rent under sub-sections (1) and (2) of that section, Kerala Act 16 of 1959.

without giving the tenant the time specified in the proviso to the said sub-section (2), the tenant shall, on deposit of all arrears of rent admitted by him to be due in respect of the building up to the date of deposit, be entitled to make an application within thirty days from the date of publication of this Act for reopening the order, and on such application the Rent Control Court shall reopen the order and dispose of it afresh in accordance with the provisions of the said Act as if it had not expired:

Provided that no tenant shall be entitled to make an application under this section if the landlord had obtained possession of the building before the date of the publication of this Act.

S. RADHAKRISHNAN,
President.

S. P. SEN-VARMA,
Secy. to the Govt. of India.

Reasons for the enactment

The Consultative Committee on Kerala Legislation constituted under the proviso to sub-section (2) of section 3 of the Kerala State Legislature (Delegation of Powers) Act, 1965 (12 of 1965), unanimously approved the enactment of the Kerala Buildings (Lease and Rent Control) Bill, 1965, as a President's Act. The Consultative Committee also recommended that the recommendations made by the Select Committee of the former Legislative Assembly of the State of Kerala in regard to the provisions of the Kerala Buildings (Lease and Rent Control) Act, 1959 (which had expired by efflux of time) other than those which have been already included in the Bill should also be examined and if found feasible incorporated by means of a separate amending Bill.

The present enactment is intended to give effect to the recommendations of the Select Committee to the extent feasible. Opportunity has also been taken to remove certain difficulties which are likely to arise in the working of the Act.

The Consultative Committee has also approved the enactment of this measure as a President's Act.

L. P SINGH,

Secy. to the Govt. of India,
Ministry of Home Affairs.

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